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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,300	07/10/2003	M. Mintu Bachann	LEX8003-0001	1620
39083 7590 08/06/2008 CERMAK KENEALY & VAIDYA, LLP 515 EAST BRADDOCK RD SUITE B Alexandria, VA 22314				
EXAMINER				
FELTEN, DANIEL S				
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3696				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,300

Applicant(s)

BACHANN, M. MINTU

Examiner

DANIEL S. FELTEN

Art Unit

3696

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. The application was held abandoned on July 6, 2007 for failure to file a timely response to a non-final office action mailed April 5. A decision was granted on the petition to withdraw the holding of abandonment filed October 26, 2007 and treated under 37 CFR 1.181. Thus the Application has been REOPENED.
2. Receipt of claims filed October 05, 2007 amending claims 1, 2 and 4 are acknowledged. Thus claims 1-16 and 30 are pending in the application are presented to be examined upon their merits.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

In Claim 1: the steps of:

consolidating financial information from at least one borrower, a guarantor and a property into a *central database*;

unifying individual and corporate financial wealth...wherein the global debt service is further based upon *individual global debt service information and corporate global debt service information*, including credit policy and credit risk

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show applications server, web-server, database server as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior

version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-16 and 30 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Automated underwriting decision and Approval/Denial step(s) are critical or essential to the practice of the invention, but are not included in the claim(s) and are not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The currently submitted claims lack the step(s) of when the decision is made to approve or deny financing for a commercial loan. Thus the submitted claims merely perform a series of calculations that do not provide a concrete and tangible *decision* result.

8. Claims 1-16 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "*unifying* the individual and corporate financial wealth...wherein the global debt service is further based upon *individual* global debt service information and *corporate* global debt service information, including credit policy and credit risk" is not supported in the specification so as to allow one of ordinary skill in the art to understand how the step is implemented or performed.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-16 and 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What does it mean by "*unifying* the individual and corporate financial wealthto determine the global debt service...wherein the global debt service is based upon *individual* global debt service information and *corporate* global debt service information" as it relates to your invention? Does the term *unifying* mean that you are adding the individual and corporate global debt service information to determine the global debt service along with credit policy and credit risk? It does not seem that the specification clearly supports this limitation.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-16, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeney, (US 20030065614) in view of Schnall, (US 20020116323) and Halper et al (US

Re Claim1, Sweeney teaches a method comprising: consolidating financial information from at least one of a borrower, a guarantor and a property into a central database; (Page 3, Paras. 37-40)

calculating financial cash flow for at least one of the guarantor, the borrower and the property (Page 1, Para. 4)

Sweeney fails to disclose unifying individual and corporate financial wealth, which is based upon the step of calculating financial cash flow, to determine global debt service, wherein the global debt service is further based upon individual global debt service information and corporate global debt service information. However, Applicant appears to intend (when considering the dependent claims) that the term global debt service is more of a "cash in-cash out" calculation which Sweeney teaches albeit in the form of a matrix. Sweeney does not appear to expressly disclose an analysis that is based on added values.

Schnall discloses credit information associated with a secondary party which may be analyzed to assist in approving the loan (see para 18). The secondary party can be a person, an

organization such as corporation, partnership or any other entity capable of assisting party to qualify for a loan. Schnall also seeks to consolidate information of both business and personal entities in order to determine loan eligibility, including total debt and total income. Thus one of ordinary skill in the art at the time of the invention of Sweeny would be motivated to be modified by Schnall to provide the most accurate credit picture available, by the consolidation of both corporate and personal financial wealth. Thus Sweeny would recognize the fact that such a modification by Schnall would result in lower default and better credit decisions.

Sweeny and Schnall fails to disclose performing risk assessment based upon net profit, depreciation data, net cash flow, current debt and proposed debt. However, Sweeny and Schnall suggest the fact that one of ordinary skill in the art would recognize that in the loan and/or credit processing art, guarantors (e.g. underwriters, lenders, etc.) are greatly concerned with risk assessment measures in order to qualify or disqualify loans based upon lenders' criteria (see Sweeny paras 0040-0042; and Schall paras 0017-0018).

In particular, Sweeny discloses scoring loans/lenders that are the "best-fit" for applicant's financing needs (see Sweeny para 0040). Sweeny further discloses loan Applications that meet certain criteria may be passed to a loan product identifier. The loan product identifier applies the lender's loan product parameters, *eligibility parameters* and business logic to identify loan products whose requirements are satisfied by a particular loan application.

Schnall discloses a loan processing system that receives information about a primary party and determines if the primary party qualifies to receive a loan based upon credit information and loan information (see 0017).

Similar to both Sweeny and Schnall, Halper receives information about a loan, and like Sweeny, Halper calculates various scores (fraud, underwriting, property valuation scores) into one score (risk score) which are considered risk factors that are used to determine whether or not to approve/fund a loan or an insurance claim (see Halper Abstract, paras 0022-0025).

The applicant performs a risk assessment based upon different risk factors, such as net profit, depreciation data, net cash flow, current debt and proposed debt. However the combined references suggest that design incentives would have prompted one of ordinary skill in the art to modify Sweeny to use various lender's criteria to provide scores to lenders in order to determine what loans borrowers would qualify for. Thus to employ the old and well known risk factor variations of net profit depreciation data, net cash flow, current debt and proposed debt would meet the difference between the claimed invention and the prior art and therefore the implementation of such risk factors would have been predictable in order to approve or deny a loan.

Re Claim 2, a method further comprising: determining whether a loans to one borrower threshold is met; (see Sweeny, Page 3, Para. 39)

enabling a financial institution to regulate its credit policy and credit risk in relation to accepted regulations; and (see Sweeny, Page 2, Para. 28)

enabling the financial institution to identify demographics (see Sweeny, Page 1, Para. 15)

Re Claim 3, the borrower threshold is a minimum dollar amount. (see Sweeny page Para. 39)

Re Claim 4, Sweeney teaches a method wherein: the currently accepted regulations are at least one of governmental and banking regulations. (Page 2, Para. 28)

Re Claim 5, Sweeney teaches a method wherein: the demographics include at least one of an industry type and an industry sector. (Page 2, Para. 28)

Re Claim 6, Sweeney teaches a method wherein: unifying includes determining at least one of the number of borrowers and guarantors; (Page 3, Paras. 37-39)

obtaining individual financial information; (Page 5, Table 1, "Personal Credit History")

obtaining individual global debt service information (Page 5, Table 1, "Personal Credit History")

Sweeney does not specifically disclose: generating an individual global debt service report; and generating an individual financial report, in that Sweeney teaches a "matrix", e.g. report, that considers both personal and corporate indicators. However, Schnall teaches making a debt report on an individual at (Page 3, Para. 32).

It would have been obvious at the time applicant's invention was made to combine the teachings of Sweeney relating to collecting and consolidating borrower information with the teachings of Schnall, relating to forming a debt report on the individual. The motivation for such a combination is to present data in a compact, easy-to-use manner, as pointed out in Schnall at (Page 1, Para. 7) where it discusses the benefits of knowing the status of administered loans.

Re Claim 7, Sweeney teaches a method wherein unifying further comprises: obtaining corporate financial information; and (Page 2, Para. 34 - Page 3, Para 35)

spreading and calculating corporate financial reports.

(Page 3, Para. 42)

Re to Claim 8, Sweeny teaches a method further comprising:
obtaining a corporate global debt service information; (Page 2, Para. 34 - Page 3, Para 35)
and generating a corporate global debt service report.(Page 3, Para. 42)

Re to Claim 9, Sweeny does not expressly teach a method wherein:
the individual global debt service report includes at least one of asset information and a ratio between income and expenses. However, Schnall teaches making a debt report including asset information of an individual and a ration in terms of a credit report at (Page 2, Para. 17). It would have been obvious at the time applicant's invention was made to combine the teachings of Sweeney relating to creating a debt service report in the form of a credit analysis with the teachings of Schnall, relating to including asset information and other financial data relating to the applicant for credit. The motivation for such a combination is to present data in a compact, easy-to-use manner, as pointed out in Schnall at (Page 1, Para. 7) where it discusses the benefits of knowing the status of administered loans.

Re Claim 10, Sweeny does not expressly teach a method wherein:
the individual financial report includes at least one of a credit report, asset and liability information and tax information. However, Schnall teaches making a debt report including asset information of an individual and a ration in terms of a credit report at (Page 2, Para. 17).

It would have been obvious at the time applicant's invention was made to combine the teachings of Sweeney relating to creating a debt service report in the form of a credit analysis

with the teachings of Schnall, relating to including asset information and other financial data relating to the applicant for credit. The motivation for such a combination is to present data in a compact, easy-to-use manner, as pointed out in Schnall at (Page 1, Para. 7) where it discusses the benefits of knowing the status of administered loans.

Re Claim 11, Sweeny teaches the method wherein:

the corporate financial information includes at least one of current assets, liabilities and credit information. (Page 5, Table 1)

Re Claim 12, Sweeny teaches the method wherein: the corporate financial reports include at least one of current asset information, non-current asset information; general liability information, net worth information, income, expenses and adjustments to earnings. (Page 3, Para. 42, Page 5, Table 1).

Re Claims 13-16, Sweeny does not specifically detail each of the "formulas" that are claimed for calculating cash flow, individual global debt service, and corporate global debt service. However, these specific formulae are standard accounting techniques and as such, are old and well known in the art. For any of Claims 13-16, it would have been obvious to incorporate these known practices into a method reflecting a Sweeny-Schnall combination that teaches a loan application evaluation and report based upon both individual and corporate cash flow and debt service.

The motivation for such an incorporation is stated in Sweeney at (Page 1, Para. 14) where it discusses the importance of standardizing business practices, eg credit-granting decisions, which would occur using established accounting practices.

Re Claim 30, Sweeny teaches the method wherein the consolidating, calculating and unifying steps are based upon information received from a score based decisioning engine, a non-score based decisioning engine and a commercial and real estate decisioning engine. (Para. 59; Page 5, Table 1).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Jones et al (US (5797,133) Discloses a method for Automatically determining the approval status of a potential borrower.

Dykstra et al (US (5,930,776) Discloses lender direct credit evaluation and loan processing system

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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